

REMARKS

In response to the Office Action mailed March 31, 2009, the Assignee (i.e., Nuance Communications, Inc) respectfully requests reconsideration. Claims 1-20 were previously pending in this application. By this amendment, claims 1-9 and 11-20 are amended. No claims are added or canceled. As a result, claims 1-20 are pending for examination, with claims 1 and 11 being independent.

I. Rejections Under 35 U.S.C. §101

The Office Action rejects claims 11-20 under 35 U.S.C. 101 because the scope of the computer-readable medium allegedly includes volatile signal-based mediums. While the Assignee does not accede to the correctness of the rejection, and particular, that a volatile storage medium covers a transitory signal, claims 11-20 have been amended to recite a non-volatile computer readable storage medium. Thus, claims 11-20 are statutory even under the Examiner's interpretation. Accordingly, the Assignee respectfully requests that the rejection under 35 U.S.C. 101 be withdrawn.

II. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 11-20 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement because claims 11-20 recite *at least one* computer readable medium. While the Assignee does not accede to the correctness of the rejections, claims 11-20 are amended to recite *a* non-volatile computer readable storage medium. Accordingly, the Assignee respectfully requests that the rejection of claims 11-20 under 35 U.S.C. 112, first paragraph, be withdrawn.

III. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1-10 under 35 U.S.C. 112, second paragraph, as allegedly being incomplete for omitting essential elements, and particularly, for reciting a programmed computer without an associated computer readable memory to store the program. While the Assignee believes that one of ordinary skill in the art would have understood that a programmed

computer includes at least one processor that executes instructions stored in some sort of computer storage medium, claims 1-10 are amended to make this explicit. Accordingly, the Assignee respectfully requests that the rejection of claims 1-10 under 35 U.S.C. 112, second paragraph, be withdrawn.

IV. Rejections Under 35 U.S.C. §102

The Office Action rejects claims 1, 10-11 and 20-21 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Publication No. 2004/0254792 (Busayaponchai). Applicant respectfully traverses this rejection.

In the Response to Arguments section, the Office Action states that Busayaponchai anticipates the recording plan set forth in the claims and then proceeds to incorrectly combine various portions of the Busayaponchai to arrive at the assertion that “it can be seen that the recording artist is provided with information output from the parser, which comprises text to be read and a file name descriptors.” Applicant respectfully disagrees. In Busayaponchai, the program manager receives the output of the parser, not the “recording artist.” As best as can be understood, the Office Action attempts to link the recording manager and the recording artist because the recording manager accesses the recording library to see if any existing recordings (i.e., previously recorded speech by a “recording artist”) exist in the database. However, this process is performed entirely automatically and has nothing to do with the recording artist or what information is provided a recording artist in the event that new audio segments need to be recorded.

The only entity that receives *anything* from the automatic processing of the VoiceXML in Busayaponchai is the developer who must approve the recordings acquired from the automatic processing. Only if the developer does not approve or no existing recordings are found is the recording artist ever involved in the process described in Busayaponchai. Specifically, the only time a recording artist is mentioned is when the so-called manual process 348 is performed. According, to Busayaponchai, this will only happen in two instances: 1) when no exact match and no partial match is found by the automatic process (see NO for step 330 in FIG. 4 and NO for step 338 in FIG. 5, respectively); or 2) when an exact match or a partial match from automatic processing is unacceptable to the developer (see YES for step 330 in FIG. 4 and a NO at step 336 in FIG. 5 coupled with either a NO at step 338 or at step 344 in FIG. 5).

Accordingly, all steps other than manual process 348 simply *do not involve the recording artist at all*. As discussed in the Assignee's previous response, the only description of the manual processing step is in paragraph [0039], which states, in relevant part:

Referring back to step 344, if the developer does not find the combination of located audio file references acceptable or otherwise satisfactory, the method proceeds to step 348, and a manual development process may be performed by the developer. That is, the developer may decide that a voice talent such as a male adult speaker must be obtained who will record a new audio file that is satisfactory to the developer. Or, the developer may determine that the voice talent is required only to record a new audio file segment for combining with previously recorded audio file segments located in the recording library 140. Once the manual process is completed, an audio file name associated with the manually created audio file is populated into the VoiceXML script, as described above with reference to step 346.

When a satisfactory audio file is not found in the database, a voice talent is used to record a new audio file. Busayapongchai states nothing more on how this "manual process" is performed. Indeed, Busayapongchai is completely silent with respect to creating a recordation plan to assist a speaker in recording the planned audio segments, the recordation plan comprising a file that stores, in association, the text indicating the content of the planned audio segments and the corresponding file names of files to store actual audio segments generated by recording the speaker speaking the content of the respective planned audio segments. The Office Actions assertions about what the recording artist receives are entirely unsupported.

i. Claims 1-20

Claim 1 recites an apparatus and claim 11 recites a non-volatile computer readable storage medium storing a program that when executed performs a method for assisting a speaker in recording planned audio segments for a speech application program. The apparatus of claim 1 comprises at least one computer coupled to a computer readable storage to execute instructions that, when executed, perform such a method. The method of comprises:

identifying text in the speech application program, the text indicating content of planned audio segments that are intended to be recorded and identifying associated file names for files storing actual audio segments after the respective planned audio segments have been recorded;

extracting the text and the associated filenames from the speech application program;
and

creating a recordation plan to assist a speaker in recording the planned audio segments, the recordation plan comprising a file that stores, in association, each extracted text indicating the content of the planned audio segments and the corresponding file names for files to store actual audio segments recorded by the speaker uttering the content of the respective planned audio segments.

As discussed above, Busayapongchai nowhere discloses or suggests at least the above emphasized limitation recited in claims 1 and 11. Therefore, claims 1 and 11 patentably distinguish over Busayapongchai and are in allowable condition. Claims 2-10 and 12-20 depend from claims 1 and 11, respectively, and are allowable for at least the same reasons.

V. General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, for the sake of brevity, the Assignee believes that it is unnecessary at this time to argue the further distinguishing features of the dependent claims. However, the Assignee does not necessarily concur with the interpretation of the previously presented dependent claims as set forth in the Office Action, nor does the Assignee concur that the basis for rejection of any of the previously presented dependent claims is proper. Therefore, the Assignee reserves the right to specifically address the further patentability of the dependent claims in the future.

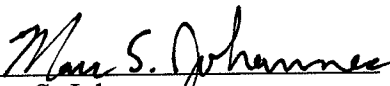
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70569US00.

Dated: February 9, 2009

Respectfully submitted,
Nuance Communications, Inc.

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